

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

PAUL L. MURPHY,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-000638

SUMMER ANDERSON,
Child Protection Services, and
CHILD PROTECTION SERVICES,

Defendants.

ORDER

Pending are Plaintiff's Application to Proceed Without Prepayment of Fees and Costs, filed December 6, 2021, [Doc. 1], Complaint [Doc. 2], and Request for Injunction [Doc. 4]. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on December 10, 2021. Magistrate Judge Aboulhosn recommended that the Court deny Plaintiff's Application to Proceed Without Prepayment of Fees and Costs, dismiss the Complaint and Request for Injunction, and remove the matter from the Court's docket. [Doc. 5].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*") (emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's


right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 27, 2021. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 5**]; **DENIES** Plaintiff’s Application to Proceed Without Prepayment of Fees or Costs [**Doc. 1**]; **DISMISSES** the Complaint and Request for Injunction [**Docs. 2, 4**]; and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: March 15, 2022




Frank W. Volk
United States District Judge